

APPENDIX C



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Stone Lakes National Wildlife Refuge
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October 25, 2004



Memorandum

To: Stone Lakes NWR Administrative Files
Elk Grove, California

From: Project Leader, Stone Lakes National Wildlife Refuge
Sacramento, California

Subject: Documentation of Endangered Species Act (Section 7) Compliance for Proposed
Waterfowl Hunting Program

Following evaluation of the waterfowl hunting program proposed for Stone Lakes NWR and pursuant to Refuge Manual Part 7; 2.5C (1), I have determined that the proposed action will not affect listed or proposed species or critical habitats within the action area. The only listed or proposed species within the action area when the proposed activity would occur is the giant garter snake (*Thamnophis gigas*). Since snakes are occupying underground hibernacula during the proposed waterfowl hunting season, no impacts would occur to this species from this action. All improvements (e.g., roads, parking lots, blinds) necessary for this proposed hunting program were previously constructed when the planned hunting area was in private ownership. The impacts associated with regular management of habitats and maintenance of facilities is being addressed in the Biological Opinion for the Programmatic Intra-Service Section 7 Consultation for routine operations, under preparation as part of the Refuge Comprehensive Conservation Plan. Therefore, no consultation will be initiated with the Sacramento Fish and Wildlife Office for concurrence with this finding. The enclosed Biological Evaluation is provided as documentation of this determination.

Thomas E. Harvey

Enclosure

BIOLOGICAL EVALUATION

Originating Person: Thomas E. Harvey, Project Leader - Stone Lakes NWR

Date: October 25, 2004

- I. Region: California/Nevada Operations
- II. Service Activities: Public waterfowl hunting program on the South Stone Lake unit of Stone Lakes National Wildlife Refuge (NWR).
- III. A. Listed species and/or their critical/essential habitat considered:
 - 1. Within the action area that will or may be affected: NONE
 - 2. Within the action area that will not be affected: giant garter snake (*Thamnophis gigas*)
- B. Proposed species and/or proposed critical habitat.
 - 1. Within the action area that will or may be affected: NONE
 - 2. Within the action area that will not be affected: NONE
- IV. Geographic area or station name and action: The action would occur on a unit of Stone Lakes NWR known as South Stone Lake, specifically on three properties: Sun River, Lodi Gun Club, and Lewis Investment Company (LIC) (Figure 1).

The Refuge would be open to waterfowl hunting as described in the Stone Lakes NWR Waterfowl Hunt Plan. Hunting would occur two days per week, Wednesday and Saturday from ½ hour before sunrise until 12:00 PM. The program would initially accommodate a minimum of 12 hunters on the Sun River property. But as funding and more facilities become available (e.g., blinds, parking lots, access roads, boat launch areas) during the next five years, the program will expand to include Lodi Gun Club and LIC units and a maximum of 22 hunters. Hunting would occur from spaced-blinds, adequately separated to ensure a safe and quality hunting experience. Hunting dogs for retrieval of birds would be allowed but must be under the control of their owners at all times. Some water blinds on portions of South Stone Lake would only be accessible by hand-launched, non-motorized boats (e.g., canoe, kayak, john boat) that must be provided by the hunter.

This program would emphasize hunting opportunities for youth and mobility-impaired hunters. Two blinds would be reserved for mobility-impaired hunters and two blinds reserved for youth hunters on any Saturday. Additional youth hunts would also be held either before or after the regular hunt season in accordance with state regulations. Hunters would be selected for the program through random drawing. Following finalization of the Refuge CCP, other priority wildlife-dependent recreational uses (e.g., fishing, wildlife-viewing, photography, and environmental education) may be accommodated in the South Stone Lake area and would be scheduled on non-hunting days to ensure public safety and minimize conflicts between uses.

V. Location: Stone Lakes NWR is located in the northeastern portion of the Sacramento-San Joaquin Delta (Sacramento County), east of the Sacramento River and north of the Cosumnes River.

- A. County and State: Sacramento California
- B. Section, township, and range: (See Figure 1)
- C. Distance and direction to nearest town: Stone Lakes NWR is ten miles south of the City of Sacramento and ten miles west of the City of Elk Grove.

VI. Action objectives: The objectives of the action are to provide a public waterfowl hunting program that emphasizes opportunities for youth and mobility-impaired hunters.

VII. Explanation of effects of action: The portion of the Refuge on which the proposed hunting program would occur (South Stone Lake) supports habitats such as: grasslands, seasonal wetlands, riparian forest, perennial marsh, and open water/aquatic beds. Habitat in this portion of the Refuge may be suitable for the federally-threatened giant garter snake (GGS) and historic records exist for the GGS in South Stone Lake. However, a survey conducted by the Biological Resources Division of U.S. Geological Survey during spring 1995 (Wylie *et al* 1997) and subsequent unpublished surveys were unsuccessful at documenting the presence of GGS within the Refuge.

Since hunting would occur during the GGS dormant period when snakes are occupying below-ground hibernacula, no impacts should occur to this species from the hunting program. All improvements (e.g., roads, parking lots, blinds) necessary for this proposed hunting program were previously constructed when the planned hunting area was in private ownership. As part of the Biological Opinion for the Programmatic Intra-Service Section 7 Consultation for routine Refuge operations that will be prepared for the CCP, the Service will address the potential effects of habitat restoration and regular management and maintenance activities related to the proposed hunting program. As funding and staff are available, surveys will be conducted for GGS to better ascertain the status of the species on the Refuge. Depending on the results of biological monitoring, modifications to the hunting program may be implemented as appropriate.

VIII. Effect determination and response requested:

A. Listed species/critical/essential habitat:

DETERMINATION

RESPONSE REQUESTED

<input checked="" type="checkbox"/> no effect	<input type="checkbox"/> concurrence
<input type="checkbox"/> is not likely to adversely affect	<input type="checkbox"/> concurrence
<input type="checkbox"/> is likely to adversely affect	<input type="checkbox"/> formal consultation

B. Proposed species/proposed critical habitat:

DETERMINATION

RESPONSE REQUESTED

<input type="checkbox"/> no effect	<input type="checkbox"/> concurrence
<input type="checkbox"/> is not likely to adversely affect	<input type="checkbox"/> concurrence
<input type="checkbox"/> is likely to jeopardize/adverse modification of critical habitat	<input type="checkbox"/> conference

IX. References:

Wylie, G., M. Casazza, E. Burns, M. Paquin, and J. Daugherty. 1997. Final Report. Surveys for Giant Garter Snakes (*Thamnophis gigas*) at Stone Lakes National Wildlife Refuge. Prepared by Dixon Field Station, California Science Center, USGS-BRD for Stone Lakes NWR.